



THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

GERALD C. MANN
~~WILLIAMSON~~
ATTORNEY GENERAL

OVERRULED BY WW-290
where conflicts

State Department of Agriculture
Austin, Texas

Attention: W. S. Bussey

Opinion No. O-3354

Re: Interpretation of Rule 5
of Article 719 of the
Penal Code providing
standard weights and
measures for loaves of
bread.

Gentlemen:

This will be in reference to your letter of March 17, 1941, calling our attention to Rule 5 of Article 719 of the Penal Code of Texas, 1925, which reads as follows:

"Bread to be sold by the loaf made by bakers engaged in the business of wholesaling and retailing bread, shall be sold based upon any of the following standards of weight and no other, namely: a loaf weighing one pound or 16 ounces, a loaf weighting 24 ounces or a pound and a half, and loaves weighing two pounds or 32 ounces, and loaves weighing three pounds, or some other multiple of one pound or 16 ounces. These shall be the standard of weight for bread to be sold by the loaf. Variations, or tolerance, shall not exceed one ounce per pound over or under the said standard within a period of 24 hours after baking."

You then state that:

"We have always construed this portion of the law to mean that each separate and distinct 'loaf' of bread shall weigh either one pound, one and one half pounds, or multi-

ples of one pound as set out in Rule 5 of Article 719.

"Recently it came to our attention that loaves of bread weighing approximately eight ounces or one half pound each were being sold in the City of Odessa, Texas. Two of these loaves, that is one loaf of wholewheat bread and one loaf of white bread, were being wrapped in celophane wrapper and sold at retail for 10¢.

". . .

"Since this package contains two separate and distinct loaves of bread, either one of which is in direct conflict with Rule 5, Article 719, would it not also be in violation of this Statute for this package of two one-half pound loaves of bread to be sold.

"We might further point out that these loaves of bread were baked in pans approximately 4 x 9½ inches which is about the average size pan being used over the State for baking one pound loaves of bread. Therefore, this package is decidedly deceptive and misleading to the public."

Upon examination we find that the specimen loaves of bread referred to in your letter conform exactly to the description given, and it is our opinion that you have described a violation of Rule 5 of Article 719 of the Penal Code.

Very truly yours,

ATTORNEY GENERAL OF TEXAS

By James D. Smullen
Assistant

JDS:lh/pam

APPROVED APR 5 1941
GERALD C. MANN
ATTORNEY GENERAL OF TEXAS

APPROVED OPINION COMMITTEE
BY BWB, CHAIRMAN